

FARMINGTON CITY PLANNING COMMISSION

Thursday, August 26, 2004

PLANNING COMMISSION REGULAR SESSION

Present: Vice-chairman Cindy Roybal, Commission Members Bart Hill, Keith Klundt, John Montgomery, Kevin Poff, and Jim Talbot, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Chairman Cory Ritz was excused.

Vice-chairman Roybal called the meeting to order at 7:00 P.M.

APPROVAL OF MINUTES

Jim Talbot moved that the Planning Commission approve the minutes of the August 12, 2004, with corrections as noted. **Bart Hill** seconded the motion. The Commission voted unanimously in favor. Ms. Roybal abstained due to her absence during the meeting.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION REGARDING TEXT FOR THE PROPOSED TRANSPORTATION ORIENTED DEVELOPMENT ZONE (TOD) (ZT-5-02) (Agenda Item #2)

Background Information

The Planning Commission reviewed the previous draft of the TOD zone on August 12, 2004. The enclosed draft incorporates comments received from the Planning Commission at the August 12th meeting.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He felt the three issues of previous concern had been resolved and briefly reviewed the changes. Page 12, item 11-40-110(1) needed to read “. . . drop-off areas, and up to *one* row of parking on either side. . . .” The issues regarding landscaping on page 11 had been resolved. The existing open wetland may be counted toward the required open space.

Public Hearing

Vice-chairman Roybal opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice-chairman Roybal** closed the public hearing and invited the Commission to consider the issues.

Jim Talbot discussed item 11-40-104(b)(5), which referred to the size limit for retail and

wholesale buildings. The limit had been set at 180,000 square feet. Mr. Talbot wanted to make sure that setting such a limit would not leave the City vulnerable to future problems if a building of that size had a failed business. It would be extremely difficult and very expensive to retrofit such a large building in order for it to be reused. Most companies that would use a building of that size have their own prototype and specific needs.

Mr. Petersen stated the limit was for property in the periphery and not the core area of the TOD. The issue was a policy decision. He realized a “big box” type use would be unacceptable in the core area. He was not sure about the secondary area.

John Montgomery stated a “big box” use would not be viable in the core area for several reasons. The Planning Commission should consider carefully what size would be acceptable in the secondary level. They needed to consider a limit that would not deter ideal retailers from coming to the area or encourage the wrong type of use.

Mr. Talbot stated if the ordinance allowed the size, the business would come to the area. It would be important to determine if the large business was what would benefit the City.

Mr. Petersen suggested that it may be a good idea to consider the size limit at the time the NMU and the CMU ordinances are in place and approved. The 180,000 square foot issue could be deleted until final determination was made on the other ordinances and then reconsidered at that time.

Jim Talbot said he had no problems with the possible uses of such a large building. His concern was what would happen if the use does not prove viable. He asked if a square foot limit was necessary.

Mr. Petersen stated the General Commercial Zone does not give a square footage for building sizes.

Mr. Montgomery said the main question was whether or not Farmington wanted to have a “big box” business in the City. Then the square footage could be determined.

Mr. Petersen suggested that item 11-40-104(b)(5) could read “Retail and wholesale sales over 50,000 square feet. . .” and that the 180,000 square foot restriction could be eliminated.

Jim Carter (the City’s consultant from Bear West) talked about the philosophy behind the Transportation Oriented Development (TOD) ordinance. Most such ordinances had been written for areas already heavily developed. The Farmington situation was unique in that the surrounding area was wide open and could be developed in a manner decided by the City. The core area could be developed with the pedestrian going to and from their cars and the commuter

rail in mind. The outer secondary area would be more influenced by freeway traffic than it would the commuter users.

Mr. Talbot stated he felt it was important to remain flexible. The “big box” businesses were effective because people liked them. He felt any restrictions should be dealt with as conditional uses on a case by case basis to allow whatever potentially successful business to come into the City that wanted to.

Mr. Montgomery felt there should be a permitted size limit of 100,000 square feet set in order to guide the potential uses. If more than the 100,000 square feet were needed, the application could come before the Planning Commission as a conditional use.

Mike Haws (representing the developer) stated they had been in discussions with potential users. The 180,000 square foot area was what most of them desired. He said there would be no problem if language in the ordinances stated “anything over 50,000” would be a conditional use.

Mr. Petersen recommended that the Planning Commission may want to consider having the ordinance limit buildings to a 100,000 square foot footprint. Doing so would send a clear message to developers and yet maintain support of the project. Businesses with needs over the 100,000 could go to two stories. It would be important to coordinate the TOD ordinance with the CMU and the NMU ordinance now being drafted.

Motion

John Montgomery moved that the Planning Commission recommended that the City Council adopt the Transportation Oriented Development zone text with changes as noted (item 11-40-110(1) shall read “. . .drop-off areas, and up to *one* row of parking on either side” and item 11-40-104(b)(5) shall read “. . .wholesale sales up to 100,000 square foot footprint. . .”). **Bart Hill** seconded the motion, which passed by unanimous vote.

Findings

- The ordinance complied with the General Plan amended in June of 2004.
- Appropriate and controlled economic development was a primary goal of the City.

**PUBLIC HEARING: FARMINGTON CITY REQUEST FOR MINOR PLAT
APPROVAL TO DEVELOP OAKRIDGE PARK ESTATES PHASE III CONSISTING
OF ONE LOT LOCATED AT APPROXIMATELY 1190 EST OAKRIDGE PARK DRIVE**

IN AN LR ZONE (S-5-03) (Agenda Item #3)**Background Information**

The land contained within the requested subdivision was originally part of the park proposed for the area. Initially the placement of 1075 West was planned further east of the park property. Subsequent plans for the U.S. 89 corridor required that the frontage road (1075 West) be moved further to the west reducing the overall area of the park. The proposed area for the subdivision became smaller and smaller and is now a remnant piece with not much utility regarding the park. Several months ago prior to initiation of the bond which eventually was approved by the citizens to fund the park, the City recommended that the proceeds from the proposed building lot (or one-lot subdivision) should also help finance improvement of the park.

END OF PACKET MATERIAL.

Mr. Petersen explained the agenda item. The subject property had not been landscaped. There had been a request regarding whether or not the property could be made available for sale. The City Council had briefly considered the request and felt the issue should go before the Planning Commission. They also felt that if the property was to be developed as a single family dwelling it should be subject to all conditions of the Oakridge Park Estates P.U.D. In order to place such conditions on the new property owner, it may be wise to see if the Oakridge Park Estates plat could be amended to include the subject property as part of the subdivision. The amendment may have to be requested by the Oakridge Park Estates PUD. Mr. Petersen reviewed the conditions for the Subdivision as recommended by the Planning Commission in 2003. The conditions are before the Planning Commission because they have expired. He suggested that condition #1 (not currently part of packet material) state that the Oakridge Park Estates PUD be amended to include the lot. If that condition cannot be satisfied, then the current condition #1 would stand.

Public Hearing

Vice-chairman Roybal opened the meeting to a public hearing.

Wendy Egbert (Fieldstone HOA president) stated that the ideal use for the property was as part of the Heritage Park. She had concerns about the property if it were to be developed as a single family dwelling. If it did, it needed to be compatible with the rest of the community. Sandy Weeks (property owner adjacent to the lot in question) had paid additional money for her property because it had a view to the mountains, which would be eliminated if the lot were to be sold and developed. There was also a current problem with football practices being conducted at the Park. Parking was a problem. Perhaps the lot should be paved and used for parking to help eliminate the parking on the residential roads. There was a great concern regarding property

value if the lot was not protected. Ms. Egbert felt the City had made promises in the past that had not been honored and was very concerned with how the lot would be developed.

Sandy Weeks (1199 Oakridge Park Drive) felt the property should have been landscaped with grass to be a part of the Park. She felt there had been duplicity by the City. A suggestion had been made that the land be used as an entrance to the Subdivision and that an entrance sign similar to the one at the south entrance be constructed on the property. If a home is built, then it was imperative that it be built in a manner compatible with the other homes in the Subdivision. The property owners should be members of the HOA and comply with all CC&Rs. If the lot is not part of the PUD, it should not be sold. If the new property owner is not a member of the PUD, they will be getting the benefits of all the amenities without having to share in the costs. The lot is significantly bigger than any of the other lots and would have a significant impact on the visual effect of the entire Subdivision. Ms. Weeks also had concerns about drainage that would come from the new lot on to her property.

Public Hearing Closed

With no further comments, **Vice-chairman Roybal** closed the public hearing and invited the Commission to consider the issues. She felt the only way the lot should be available for sale is if the plat amendment occurred. It was for the Oakridge Park Estates HOA to decide whether or not to apply for plat amendment.

John Montgomery stated that whether or not the lot was admitted to the Oakridge Park Estates PUD, the Planning Commission could require the architecture of the new home be compatible with surrounding homes.

Mr. Hill wanted to clarify that the conditions for approval were the same as the original. The reason the Planning Commission was considering the conditions for approval was because the original had expired.

Mr. Petersen confirmed Mr. Hill's comment.

The Planning Commission continued to discuss possible uses for the property, including sale as a building lot, parking, an entrance sign, and inclusion as part of the park. In general, they felt that if the City had no compelling, immediate reason to make the lot available for sale, there was no real reason to make the minor plat approval, especially in light of the fact that the neighbors felt the property could be used in a manner more beneficial to their neighborhood as open space.

Motion

John Montgomery moved that the Planning Commission recommend the City Council not approve the minor plat for Oakridge Park Estates, Phase III, located at approximately 1190 West Oakridge Park Drive.

Kevin Poff seconded the motion.

In discussion of the motion, **Mr. Montgomery** mentioned that the ideal situation was to have the lot become a part of the park and be landscaped. If a sign was to be erected, the HOA would have to pay for the costs.

Mr. Talbot stated he would likely vote in opposition to the motion because he felt it would be more appropriate to table the agenda item to find out more information from the City Council regarding their intentions for the property. He would also like to have more public input, not just the adjacent neighbor and the president of the HOA.

Ms. Roybal stated she had talked to many of the neighbors. It was a difficult situation because they wanted to maintain a good relationship with any eventual property owner. It was their preference, however, that the property become part of the park.

A vote was taken on the motion. The motion passed by a 3 to 2 vote. Mr. Hill and Mr. Talbot voted in opposition. The Vice-chairman did not vote.

Findings

- The property was originally intended as part of Heritage Park. The neighbors expected that would be the case.
- There had been no information regarding a compelling reason for the City to sell the property at this time.
- The property does need to be landscaped and maintained.
- If the HOA wants to construct an entrance sign it should likely be placed on property closer to the homes. Such a sign would have to be funded by the Oakridge Park Estates HOA.

PUBLIC HEARING: HERALD AND BARBARA RICE REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL A TWO LOT SUBDIVISION CONSISTING OF 3.71 ACRES LOCATED AT THE SOUTH END OF DAVIS CREEK DRIVE (50 EAST) AT APPROXIMATELY 1025 SOUTH IN AN A ZONE (S-13-03) (Agenda Item#4)

Background Information:

The Planning Commission reviewed this application on May 14, 2005, and approved a motion to recommend that the City council deny the proposed Lot split by metes and bounds for the following reasons:

1. Alternative design options existed which had not been pursued which would not require the creation of flag lots.
2. Several unresolved issues still existed between the application and the Creekside Estates Subdivision (HOA).

The applicants are now willing to dedicate and improve a “hammerhead” public right-of-way consistent with Farmington City design standards as an alternative to the flag lot design. At one time, it was contemplated as to whether or not the applicant should join the Creekside Estates Subdivision (HOA). Now the Rice Family is proposing a dedicated public right-of-way. It appears that the HOA membership question may no longer be an issue.

END OF PACKET MATERIAL.

Mr. Petersen briefly reviewed the history of the application. Had the Creekside Estates Subdivision (HOA) voted to allow the exemption for the one-acre horse property lots and allowed the new owners to become members under those conditions, several issues may have been resolved. However, the new property owners decided they wished to retain their horse property rights, and so have redesigned the new lots to independently comply with City ordinances, eliminating the need to become associated with the Creekside Estates Subdivision. The new design included a hammer head stub which met City standards. The new property owners had met with the Fire Chief and gained his approval of the design. The City cannot require the new owners to join an existing HOA when property is outside the subdivision.

Public Hearing

Vice-chairman Roybal opened the meeting to a public hearing and invited the applicant to address the Commission. The applicant had no comments.

Public Hearing Closed

With no forthcoming comments, **Vice-chairman Roybal** closed the public hearing and requested consideration by the Planning Commission.

Mr. Montgomery stated the applicant had done everything the Planning Commission

had asked.

Motion

Keith Klundt moved that the Planning Commission recommend that the City Council grant schematic plan approval for a subdivision located at the south end of Davis Creek Drive (50 East) at approximately 1025 South subject to all applicable Farmington City development standards and ordinances and the following:

1. Any building or development of the property shall meet the standards and requirements of the fire code including, but not limited to, drive widths, turnaround areas, pavement widths, fire hydrant placement, and possible sprinkling ability to enter public safety access easements.
2. The development shall comply with the results, recommendations, requirements of the Reeve and Associates, Inc. study.
3. An acceptable trail easement and/or land in fee title shall be conveyed to the City traversing north to south, along the south and west boundaries of the project. All trail locations shall be staked and inspected by the City and representatives from the Trail Committee before the alignment is accepted by the same and prior to the recordation of the 2 lot subdivision. The trail easement and/or land in fee title shall be conveyed or dedicated to the City concurrently with the recordation of the final plat.
4. The turnaround and private drive way area shall impact as few trees and native vegetation as possible.
5. The Planning Commission hereby recommends that the City Council waive open space requirements for the subdivision pursuant to 11-12-065 of the Zoning Ordinance thereby allowing the development of lots less than 2 acres in size. The waiver should be granted because of the trail conveyance and/or dedications offered by the applicant.
6. When a subdivision contains lands which are reserved in private ownership for community use, the subdivider shall submit with the final plat the name, the proposed articles incorporation, the by-laws of the owner or organization empowered to own, maintain, and pay taxes on such lands.
7. The applicant must obtain a flood control permit from Davis County prior to recordation of the subdivision plat.

8. The applicant shall grant to Davis county a twenty (20) foot right-of-way in a form acceptable to the County along the access road from 50 East to the flood way.
9. The applicant shall further grant to Davis County a forty (4) foot wide flood control easement acceptable to the County adjacent to the dike along the south and west boundaries of the property.

Bart Hill seconded the motion, which passed by unanimous vote.

Findings

- The application complied with all City ordinances and standards.
- Neighbors had been given full opportunity to give their input.

Mr. Montgomery commended the Rice family for their patience and efforts in trying to cooperate with the neighborhood.

MIKE BROWN, ET. AL., REQUEST FOR A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE FIRST PHASE OF THE EAGLE CREEK SUBDIVISION CONSISTING OF 8 LOTS ON 3.87 ACRES LOCATED ON THE NORTH SIDE 475 SOUTH WEST OF 1100 WEST IN AN AE ZONE (S-9-04) (Agenda Item #5)

Background Information

Final plat approval for this phase of the Eagle Creek Subdivision was not considered by the Planning Commission on August 12, 2004, due to a number of unresolved issues outlined in the preliminary plat approval for the subdivision. Primarily, the developer must resolve an issue regarding a fifty (50) foot wide private access easement along the northern boundary of the phase.

END OF PACKET MATERIAL.

Mr. Petersen stated that during their last meeting the Planning Commission granted preliminary plat approval for Phases I and II and final plat approval for Phase II only. The 50 foot private access easement was a big issue. The building envelopes on the two lots affected by the easement would be very small if the right-of-way was not vacated. The developer had worked to remove the access easement from the plat. Mr. Forbush was eager to resolve the issues so that the City could move forward with S.I.D. improvements in the area. The issue has not been

totally resolved. He asked the Planning Commission to consider whether or not they would allow narrower building lots if the private easement could not be vacated.

The Vice-chairman invited the applicant to address the Planning Commission

Mike Brown (developer) stated he had researched the 50 foot access easement and which properties were effected. He had also talked to each of those property owners involved. All the owners except the eastern most two stated they would be willing to vacate the easement. Property ownership would not be effected. He had letters of consent and deeds showing those properties effected. When asked, Mr. Brown stated that neither the Williams nor the Johnson properties had any rights to the access easement and therefore did not have say in whether or not the easement was vacated. Mr. Brown suggested a temporary solution to meet City ordinance requirements and make it possible for the project to move forward. He suggested that the six southern lots be reduced to 85 feet in width thereby creating two very large northern lots. Under this scenario, the private right-of-way would not impact the building envelopes of the northern lots. He also reported that it was legally possible for part of the property owners to vacate the easement without having all property owners consent. It was not necessary that all property owners vacate the private right-of-way as long as access was not denied those who wished to retain it.

Ms. Roybal asked if the lots were reduced in size and the vacation was then successful, could there be a reverter clause that would increase the lots sizes to the original square footage. And if it were possible to do so, would the developer find that acceptable. She felt the neighborhood had had difficulties accepting the subdivision because the lot sizes were smaller than they wanted. She felt it would be best to keep the lots as large as possible.

Mr. Montgomery felt the neighbors would be very concerned about the placement of the homes if it looked like the lots were being reduced in size. The temporary solution may not be the best for the community.

Jim Talbot felt the easement had to be resolved before any lot was sold.

Mr. Brown asked if it would be possible to restrict the two northern lots and approve the others.

Mr. Petersen explained the action of the City Council when caused that the developer adjust the stub road going to the north 11 ½ feet to the west. The compromise road location allowed the development to proceed and the property owners to the north to participate fairly in future road improvements.

Mr. Brown stated that the property owner on the west side of the street felt she was bearing an unfair burden because her lots were being reduced because of the relocation of the

road.

Mr. Petersen suggested the manner of the lot size reduction be referred to the City Manager.

Motion

Jim Talbot moved that the Planning Commission recommend final plat approval for the first phase of the Eagle Creek Subdivision located on the north side of 475 South west of 1100 West subject to compliance with all applicable ordinance requirements and development standards and conditions 1 through 9 as stated in the August 13th letter from the Planning Department. The motion also stated that lots 104 and 105 not be available for sale until the 50 foot right-of-way is vacated and recorded. **Kevin Poff** seconded the motion, which passed by unanimous vote, including an affirmative vote by the vice-chairman.

Findings

- The application met all City requirements, standards, and ordinances.
- The developer had made a good faith effort to work with the neighbors regarding their concerns.

PUBLIC HEARING: RANDALL L. RIGBY REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAT APPROVAL TO INCREASE THE SIZE OF THE MILLER MEADOW SUBDIVISION CONSISTING OF 86 LOTS ON 49.154 ACRES TO 107 LOTS OSN S56.829 ACRES LOCATED IN AN AE ZONE AT APPROXIMATELY 700 WEST 650 SOUTH BY ADDING THE ROBERTA DONAHUE, ET. AL., PROPERTY NORTH OF THE EXISTING PROJECT (S-16-04) (Agenda Item #6)

Mr. Petersen reviewed the agenda item. He showed a vicinity map and explained the application requesting the increase of property for the size of the Miller Meadow Subdivision. The Subdivision had received preliminary plat approval, at which time there had been 14 acres of open space included in the design of the project. Phase I had received final plat approval. The proposed increase would require an increase in open space on the overall project. If the City Council approves the application, the development agreement would need to be amended to include the added property. Mr. Petersen stated there was also a 60 foot wide remnant parcel owned by the property owner, the disposition of which would have to be resolved since the City does not allow the creation of a remnant parcel. The resolution of the remnant parcel is not a condition of approval at this stage because the application before the Planning Commission involves only schematic plan approval. However, the parcel will need to be dealt with eventually.

Public Hearing

Vice-chairman Roybal opened the meeting to a public hearing and invited the applicant to address the Planning Commission.

Randall Rigby (245 South Cobblecreek Road) stated he represented the developers and property owners of the Miller Meadows Subdivision. He wanted to clarify the situation with the 60 foot wide parcel referred to by Mr. Petersen. He said that parcel had been left for an access road for a property owner to the north of the stem. Only one property owner has a right to the access.

Public Hearing Closed

Mr. Petersen said the disposition of the 60 foot wide parcel must be resolved before final plat approval by being conveyed to adjacent property owners or some other method.

Motion

Bart Hill moved that the Planning Commission recommend that the City Council grant schematic plan approval to increase the size of the Miller Meadow subdivision located at approximately 700 West 650 South subject to all applicable Farmington City development standards and ordinances and the following:

1. The existing development agreement between Farmington City and the developer must be amended to include the expanded area of the project.
2. Due to the number of lots proposed by the applicant, the open space requirement for the Miller Meadows Subdivision shall be no less than 16.2837 acres.

Keith Klundt seconded the motion, which passed by a unanimous vote.

Findings

- The action simply expanded the approved area for the subdivision.
- The developers have done everything asked of them and have actually asked for less density on the property that the zone would allow.

PUBLIC HEARING: BRYAN CHRISTOPHER REQUEST FOR A RECOMMENDATION FOR SCHEMATIC PLAN AND MINOR PLAT APPROVAL TO DEVELOP A FLAG LOT LOCATED AT 125 WEST 900 NORTH (S-17-04) (Agenda Item

#7)

Mr. Petersen explained the request for a schematic plan and minor plat approval for the proposed flag lot. There were two existing homes on two lots. A third lot was being requested so that family members could build a home on the property. The applicant needed to submit a final subdivision plan and enter into an extension agreement over the entire length of the property.

Public Hearing

Vice-chairman Roybal opened the meeting to a public hearing. She invited the applicant to address the Planning Commission.

Byron Olsen (994 Courtyard Lane, Centerville) stated the land had been in the family for over 30 years. It had always been intended that family members would be able to build a home on a portion of the property. Mr. Olsen said he had talked to all the nearby neighbors and had received letters from each stating they had no objections to the proposal. A quick claim deed had already been secured. Engineering and surveying would be initiated upon approval by the Planning Commission.

Public Hearing Closed

With no further comments, **the Vice-chairman** closed the public hearing.

Ms. Roybal felt the development would fit the property. She had visited the site and could tell there would be no privacy issues created by the flag lot. She asked for a review of flag lot standards.

Mr. Petersen stated the stem could not be narrower than 20 feet nor longer than 150 feet. Approval could not be granted solely for economic reasons. Approval was usually considered because of unusual development problems such as topography.

Mr. Montgomery stated there was likely no economic benefit to the applicant in this situation, since the property was already owned by the family. The house would be occupied by family members.

Motion

Keith Klundt moved that the Planning Commission recommend the City Council approve schematic plan and minor plat approval to develop a flag lot located at 125 West 900 North subject to the following:

1. The applicant shall submit a final subdivision plat acceptable to Farmington City for the entire Olsen property as described in the application.
2. The applicant shall enter into extension agreement to include, among other things, curb, gutter, sidewalk, asphalt, and asphalt extension running the full length of the property of all three lots from east to west.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The application complied with flag lot standards.
- The proposed use was good for the property.

PUBLIC HEARING: SYMPHONY DEVELOPMENT C ORP. REQUEST FOR A RECOMMENDATION TO REZONE 4.62 ACRES OF PROPERTY LOCATED AT 16 EAST 700 SOUTH FROM LR TO A AND SCHEMATIC PLAN APPROVAL FOR A 15 LOT SUBDIVISION AT THE SAME LOCATION (Z-11-04) (Agenda Item #8)

Background Information

Symphony Homes is proposing to develop in an area characterized by wetlands and marginal soil conditions. Symphony Homes developed Continental Estates Plat I, adjacent to the north boundary of the proposed subdivision. The soils in this area are boggy and contain a great deal of peat moss. Consequently, the installation of the public improvement for Plat I did not occur without some challenge and some of the homes within and outside of the subdivision experienced settling. Drainage also is a major concern in the area. After the wetlands are mitigated, how does the developer proposed to divert surface and subsurface water flows from the site?

The developer is also requesting a waiver of the open space requirement. Section 11-12-065 of the Zoning Ordinance states, "Any waiver of the required minimum conservation land dedication shall require comparable compensation of site improvements, amenities, or other consideration for comparable size, quality, and/or value." In lieu of the open space requirements the developer is proposing a contribution of \$20,000 paid to the City.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. Wetlands and poor soil conditions in the area

present some real problems. In homes constructed on adjacent property there has been significant settling. There had been a problem with an existing 30 year old home which had settling problems due to the construction of a new home across the street. Mr. Petersen stated the area had poor soil conditions and a soils report would be needed. He reported that a waiver for open space could be granted according to ordinances.

Public Hearing

Vice-chairman Roybal opened the meeting to a public hearing.

Tony Coombs (development manager for Symphony Homes) stated the wetlands have already been mitigated according to Army Corp requirements. The soils tests have not as yet been performed. He stated that Symphony Homes had been the developer of the most recent subdivisions in the area. All settling of homes built by his company was resolved. They paid an extra 20 to 30 thousand to dig out the homes and make sure they were on solid foundations.

Mr. Petersen said that Symphony Homes were a quality builder and that the homes that had problems with settling were actually constructed by other builders.

Nadine Garrett (56 East 700 South) said the new development would go in adjacent to her property. (There was a mix up in the packet material which was corrected. The request was to have the property rezoned from A to LR and not visa versa as stated in the packet.) She asked what the density would be on LR zoned property.

Mr. Petersen reported the density would be similar to that of Ms. Garrett's neighborhood. There could be 2 ½ to 3 homes per acre.

Ms. Garrett expressed her concern about that wetlands and the drainage in the area. There was existing property that had problems when the last houses were built. She had had problems with sewers backing into her home. She also wondered if her home would settle more if impacted by the new homes being built. She felt these issues should be addressed before approvals were granted.

Mr. Coombs said he had talked with Leland Meyers (Davis Sewer District Manager) who had told him that the new subdivision would actually solve some of the sewer drainage problems in the area. They will be replacing the sewer lines and correcting some of the drainage problems when the infrastructure for the new subdivisions is constructed. Until the development is started, the Sewer District will not do anything.

Vice-chairman Roybal asked how Symphony Homes planned to solve the settling problems and the problems created by the poor soil and the high water table.

Mr. Coombs said that Symphony Homes would do the same things they did with the previous homes. Those homes had no problems. He stated that instead of selling some of the lots as they did the last time, it was their plan to build all the homes on all the lots in the subdivision. He discussed the City's requirement for open space. He requested that the open space not be in small pockets throughout the subdivision but that it be a planned part of the larger community.

Mr. Petersen said that the ideal way to use the open space was to move it along the frontage road where it could be a buffer between homes and the freeway. He also suggested that if the developer were to compensate the City for the open space that the money be placed in a designated fund for development of a detention basin.

Public Hearing Closed

With no further comments, **the Vice-chairman** closed the public hearing.

John Montgomery wanted to know more about the existing 30 year old home that had settling problems due to the construction of a new home across the street.

Mr. Petersen said there had been no conclusive evidence regarding the settling. However, it had been the opinion of the building inspector that it could have been the case. He was unsure if the property owner made the claim or if the building inspector reported the incident. A soils report will be very helpful and very revealing.

Mr. Poff stated the land was very problematic and he wondered if it would be wise for the City to even consider allowing development in the area.

Ms. Roybal said it had been her observation that Symphony Homes was a quality builder and that if their homes were secure, the project was likely acceptable.

Mr. Montgomery felt that approval of the request may be premature if the soils report was not completed.

Mr. Poff asked if the poor soil could handle a street system. A discussion of the ground water level and the peat moss problem in the area ensued. When homes were built in the Continental Subdivision all the drainage was taken to the property in question. There was some evidence that the wetland was man-made. There were, however, natural springs in the area that added to the wet conditions of the land.

Motion

John Montgomery moved that the Planning Commission table consideration of the

rezone request and the schematic plan approval request for a recommendation to rezone property located at 26 East 700 South from A to LR and schematic plan approval for a subdivision at the same location until the developer provides documentation to the City that the wetlands on site have been mitigated and until the developer submits a soils report for review by the City. The City must conduct a peer review of the soils report as it reviews the recommendations contained therein. The City shall also consider the impact of construction on existing homes and adjacent properties.

Keith Klundt seconded the motion, which passed by unanimous vote.

Findings

The request was tabled until the Planning Commission could receive information to help them determine the affect of ground water, drainage, soil conditions, and impact on existing homes. It was determined that it would be imprudent for the Planning Commission to move forward until they had more information.

SAM BRADY ARCHITECTS REQUEST FOR SITE PLAN APPROVAL TO CONSTRUCT A BUILDING FOR THE DIVISION OF MOTOR VEHICLES (DMV) LOCATED APPROXIMATELY A BLOCK WEST OF 200 WEST AT 200 SOUTH IN A BP ZONE (C-10-04) (Agenda Item #9)

Background Information

This agenda item was reviewed by the Planning Commission on August 12, 2004. The Planning Commission tabled the application in order to allow time for the developer to resolve a number of issues outlined in the enclosed letter from David Petersen to Tom Stuart Construction dated August 18, 2004. Architectural elevations of the building were reviewed at the last Planning commission meeting and the developer has submitted a site plan which has been reviewed by City staff. The applicant is proposing to break up the blank surfaces on some of the building elevations with trees and other landscape material. The developer is proposing to landscape 12.6% of the entire site. The Zoning Ordinance requires 15% of the site to be landscaped. However, the developer's landscape area does not include the .25 acres of wetlands along the western boundary of the project area and the Zoning Ordinance allows the Planning Commission flexibility to reduce the landscape percentage, if due to the size of the parcel, the amount landscaping required is unreasonable and cannot be located in useful locations. City staff recommends that the Planning Commission approve the landscape plan as prepared by the applicant.

Traffic is a major issue regarding this application. It may be very difficult for the developer to prepare a study with accurate traffic counts because the Park Lane interchange is

still under construction and a detour is directing an inordinate amount of traffic up West State Street to the center of town. The applicant did provide a letter from Wilbur Smith Associates regarding the DMV building. The Wilbur Smith letter provides some insight about trips generated by the facility and the distribution of trips. No estimates however, are provided about the percentage of trips coming from North Davis County vs. South Davis County, nor does the conclusion discuss the number of North Davis county trips that will use Lagoon Drive vs. Main Street. This may or may not be a problem. The Wilbur Smith letter has been forwarded to the Farmington City Transportation Engineers for their recommendation. City staff will also provide more information regarding traffic at the Planning Commission meeting..

END OF PACKET MATERIAL.

Mr. Petersen explained the agenda item. He reviewed the landscape plan submitted by the developer. He then discussed the issues regarding traffic impact which may be created by the relocation of the DMV. He reviewed the letter sent to the City by Wilbur Smith Associates on August 19, 2004, which stated that a complete traffic study may be required if the proposed project would create an additional 100 vehicle trips during the PM peak hour. The letter basically outlined reason the DMV would not increase trips by 100 during the daytime peak hours. He then detailed traffic information he had taken time to research. He had also discussed the issues with the City traffic engineer. The City was typically protective of the historic State Street area. Trips generated by the DMV during the peak hours of the day would be around 48, which was a negligible number. Mr. Petersen estimated how many of the total 490 trips per day would come from which direction and on which roads. About 335 cars would come from the north, but it was likely the traffic would be split equally between the frontage road approach and the Main Street approach. All 335 cars would pass in front of the junior high school. Mr. Petersen stated that in comparison with an office building use, the difference was not problematic.

There was still a need for the overall improvement plans for the site.

The Planning Commission discussed the issues, including the following points:

- Members of the Commission drive their children to the junior high and have observed the high amount of traffic already in the area. There was great concern for the safety of the students and drivers already using the roads during the peak hours. There are also some elementary children using that area to access the Farmington Elementary School just to the east.
- The occupant of the building has required 78 parking spaces. That seems an unusually high number if the hourly need is only around 48. When asked why the DMV would need that many spaces, John Hill (General Services Manager of the Utah State Tax Commission) responded that it would provide for the last two

weeks of May when the Division has its record amount of applications.

- 70 percent of the traffic driving to the DMV will be coming from the north. It will not be using the easy freeway exit/entrance to the south. The traffic would be using the residential roads in downtown, historic Farmington.
- When the junior high authorities requested additional parking, the City requested a traffic pattern study to help in designing the ultimate traffic pattern which could reduce congestion and safety problems. The addition of the DMV to the immediate area seems to be exacerbating the problem.
- There are also baseball games played on the park to the east of the school. Traffic and parking during those games is very problematic.
- It was mentioned that much of the traffic on west State Street was detoured traffic which will decrease once Park Lane is completed. However, with growth, the current traffic will be the norm within the next 15 years. Residents in the historic district are concerned about their neighborhood and their fragile buildings.
- The City population is expected to max out at 25,000 people. There will be several more homes in west Farmington. There will also be traffic increases coming from the TOD area. Mr. Petersen reported the State Street overpass will be reconstructed and the City has plans to help calm the traffic that will be using the State Street road.
- It was difficult to determine whether the DMV would be an unwanted impact in the face of the on-coming growth of the area, or whether all such additions should be discouraged.
- Mr. Hill discussed some of the DMV's attempts to reduce over-all trips. On-line registration was reducing trips by between 3 to 7 percent a month. Mail in registration accounted for 20 percent of the renewals. There were other programs that would further reduce the need for the public to come to the DMV office. Such programs included the ability to have registration at the same place that cars are checked for emissions. Trips to the DMV are expected to remain flat with the increased use of other sources and programs.
- Mr. Montgomery felt that all figures presented were guesses and that a true traffic study would give the Planning Commission accurate information from which they could make an educated decision. Whereas he was sympathetic with the DMV and their need to find an immediate location, there was still not a sufficient reason to

short cut the process and make an incorrect, unwise decision that could impact the City very negatively.

- Mr. Petersen reported that there had been an indication that the intersection at State Street and 200 West could have problems in the future. That was one of the reasons the City was planning calming devices to mitigate the problems.
- Mr. Petersen also stated that other communities reported that operations such as the DMV did bring in a lot of traffic and that there were commercial endeavors that liked to have them as neighbors.
- Mr. Petersen reported traffic study numbers given for west State street. On that road in 1996 there were 4735 cars per day. The projection for 2020 is 14,200. There would be 17,400 per day on 200 West in 2020.
- Because Farmington is the County seat, it has been asked to carry a large burden. The jail, the County Court House, the School District, and many other public entities are located in the small town.
- Mr. Petersen stated that the Planning Commission may wish to meet with Horrocks Engineers on September 1 and asking them questions regarding the traffic impact they perceive the DMV would create.

Motion

John Montgomery moved that the Planning Commission table consideration of the site plan approval to construct a building for the Division of Motor Vehicles (DMV) located at approximately a block west of 200 East at 200 South until a traffic report was submitted for review by the Planning Commission, and when at such time the Planning Commission could have facts to determine the traffic impact on the school area. **Keith Klundt** seconded the motion. A vote was taken. The motion failed by a vote of 2 to 3.

Mr. Talbot stated that his opposition vote was because the DMV may not be the best use for the land. The motion placed emphasis on the traffic study. The DMV have providing all other requested information. The completed traffic study may or may not show a significant impact on the area. Mr. Talbot felt the Planning Commission should focus on the land use.

John Montgomery moved that the Planning Commission table consideration of the site plan approval to construct a building for the Division of Motor Vehicles (DMV) located at

approximately a block west of 200 East at 200 South until they receive further information from the City's traffic consultant, Horrocks Engineers. **Bary Hill** seconded the motion, which passed by unanimous vote.

DAVID COUNTY SCHOOL DISTRICT BUS COMPOUND/CONSIDERATION OF FINDINGS OF FACT (C-5-04) (Agenda Item #10)

Vice-chairman asked that the record show that Bart Hill and Kevin Poff recused themselves from the rostrum and did not participate in discussion of Agenda Item #10.

Mr. Petersen stated that the City Council considered the agenda item on appeal during their last meeting. The appeal was an administrative appeal. After consultation with the City Attorney it was determined that the Planning Commission had not given enough facts to the City Council on which they could base their decision. Their decision had to be based solely on the facts presented by the Planning Commission. That being the case, the City Council remanded the agenda item back to the Planning Commission with the request that they provide more facts and background to their findings when denying the request by the Davis School District to construct a building a bus compound on property owned by them in west Farmington.

A discussion ensued including the following points:

- Pedestrian use of the narrow roads without sidewalks is a safety concern. Children are especially at risk.
- A parking facility for 100 buses is an industrial use. This seems obvious when discussing many large vehicles, emissions, noise, and a great increase of trips made by the large vehicles every day. There is also the fact that there will be fueling stations, washing facilities, and repair shops. Such uses are not residential nor are they compatible with residential uses. Areas planned for industrial uses are equipped with roads that can handle the traffic.
- The area proposed for the compound is populated by citizens who have desired for many years to preserve the rural nature and quiet pastoral atmosphere of farming country. It is populated with large animal owners and large lot properties. A bus compound is not conducive to those goals.
- One main reason the District wants to place the facility in west Farmington is because they own the property. The Planning Commission did not find this a compelling reason to locate the compound in a rural residential area.

- A school does not exist on the property. According to District officials, one may not be built for another 10 to 15 years. If a school is not constructed on the adjacent property, the compound is definitely not compatible with surrounding uses.
- A high school is of great benefit to the citizens of west Farmington and would be acceptable to residents there. A bus compound is not the same use as a school building.
- It may be that the City Council should ask the question, “How is the bus compound compatible with the rural atmosphere of west Farmington?”
- The pollution of the buses, especially when warming up on winter mornings will be a significant problem for the low lying areas of west Farmington. Where it may be equal or even less to the same number of private cars, there will not be that number of cars in the area warming up on those mornings.
- The noise pollution of the buses when leaving in the early morning in the otherwise quiet rural area will significantly impact the residents.
- The School District does need buses in order to educate the children of Davis County. However, it is not essential that 100 of those buses be located in west Farmington. Those buses can be located in alternative locations and still provide the bus service needed by the children of the District.
- If the District is concerned about the savings that will occur by locating the buses in a single lot, then there is justification for the purchase of property in an appropriate industrial area.
- The Planning Commission felt strongly and unanimously that the bus compound was inappropriate for west Farmington and that the City Council should uphold their denial of the application.
- It was commendable that the District had an impeccable safety record for its drivers and that the buses were maintained in such high quality. However, the quality of the narrow streets and the fact that the streets have no sidewalks cannot be overlooked when considering the safety of the residents in west Farmington. The west area of Farmington is frequented by horse back riders, bikers, walkers, and other pedestrian users which is not common in other communities.

- Farmington is a narrow band of land that has been asked to bear the burden of I-15, U.S.89, and Legacy. The Planning Commission feels compelled to use extreme caution when considering elements that will add to the traffic in the area. A 100-bus compound will add a great deal of traffic to the area.
- Farmington City was very careful when considering the impact, visually and functionally, of the sound wall constructed along the freeway south of the Glover's Lane overpass. Not to use the same care for the protection of the unique character of the City when deciding the impact of the bus compound on the rural area of the City would not be consistent with the City's stated goals. There are, however, other areas in the City that would be appropriate for the location of the compound.
- The logic of the District that they would save money by locating the buses in the west part of Farmington does not seem totally sound. The buses will still need to travel long distances to pick up their students adding wear to the vehicles and costing extra for the fuel expense.
- The current zone of the area does not allow for gas tanks. Gas tanks are another sign that the use would not be compatible with the rural character of west Farmington.
- The high school is not really a proposed use for the property. The plans to build the school are at least 10 years in the future. There is a possibility the School District could sell the high school portion of the property some time in the future.
- Impermeable surface for the parking will not just be for 100 buses. There will need to be parking areas for the drivers also. The asphalt surface will be extremely large and visually contradictory to the farming atmosphere which officials have stated is their goal to preserve.
- There is no where else in the City that officials would allow such a ration of cars to citizens. Doing so is detrimental to property values.
- There will be a large number of buses traveling by homes, especially early in the morning when people are used to listening to chirping birds, that would not otherwise be there. In industrial areas, there are not homes to disturb.
- The Planning Commission did not want to be uncooperative with the School District and was sensitive to the high costs of educating children. The financial issues need to be resolved, but there are other options to do so.

- The rural area of Farmington is fighting hard to remain the same. The Planning Commission was sensitive to the citizens living there and the great impacts that have already changed their way of life. They were unanimous in their strong feeling that the denial should stand.

ADJOURNMENT

Keith Klundt moved that the Planning Commission adjourn at 11:25 P.M.

Cindy Roybal, Vice-chairman
Farmington City Planning Commission